

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ANTONIO PAYERO and ADAM  
MALDONADO, individually and on behalf of  
all others similarly situated,

Plaintiffs,

v.

MATTRESS FIRM, INC. and GLOBAL HOME  
IMPORTS, INC.,

Defendants.

Case No. 7:21-cv-03061-VLB

Hon. Vincent L. Briccetti

**NOTICE OF MOTION FOR  
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that upon: (1) the accompanying Memorandum of Law; (2) the Declaration of Max S. Roberts, and the exhibits attached thereto (including the Parties' Class Action Settlement Agreement); Plaintiffs Antonio Payero and Adam Maldonado, by and through their undersigned attorneys, will move this Court, before the Honorable Vincent L. Briccetti, United States District Court Judge, Southern District of New York, at the Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse, 300 Quarropas St., Courtroom 620, New York, New York 10601, for an Order, pursuant to Federal Rule of Civil Procedure 23(e): (i) granting preliminary approval of the Class Action Settlement; (ii) provisionally certifying the Settlement Class under Federal Rule of Civil Procedure 23(b)(3) in connection with the settlement process; (iii) appointing Bursor & Fisher, P.A. as Class Counsel; (iv) appointing Antonio Payero and Adam Maldonado as the Class Representatives for the Settlement Class; and (v) granting such other, further, or different relief as the court deems just and proper. A Proposed Preliminary Approval Order is submitted herewith.

Dated: January 9, 2023

Respectfully submitted,

By: /s/ Max S. Roberts

Max S. Roberts

**BURSOR & FISHER, P.A.**

Max S. Roberts

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*Proposed Class Counsel*